SUMMARY

Legal regime applicable to land in the protected areas and protective zones

The aim of my thesis is to analyse the legal regime, which is applied to the protected areas and protective zones. Both institutes can be grouped among the environment protection instruments. They are also applied to the protection of other objects (e.g., water mains, cultural monuments, electric communications), especially they are applied to the protected areas. They are universal instruments because they are used in various branches of law.

To achieve the objective, which is to establish the protected areas and protective zones, limitation of property rights to the respective immovables happen. The level of regulation is not always the same. Particular limitations are various and they are contained either directly in a respective act or in a regulation, which establishes a protected area or protective zone, or they are mentioned in both legal enactments. They can be formed as restrictions of particular activities with the possibility of making an exception (there are also absolute restrictions, in this case no exceptions can be made) or as activities, which can be performed only when they are approved by a respective authority. Most often the limitations happen in the field of farming and building activities. In my thesis, I dealt with the question of providing compensation for the limitation of property rights.

The essence of the difference between a protected area and protective zone consists in the way of their definitions (rather than in the content of limitations and restrictions). The protected area is defined based on land (e.g., with a description of borderlines, thus it is defined in an absolute way) whereas a protective zone is always defined in a relative way toward an inividual object. The protected areas are declared in various forms (act, implementing regulations, administrative act). The aim of the protected areas is to protect miscellaneous elements, which appear there (ordinarily there are several objects of the protection – e.g. protection of nature from farming, protection of fauna and flora in a particular area) unlike the protected areas, where the protection mostly focuses on one object of protection (e.g. water, cultural monuments). The protective zone is always defined in a relative way, i.e. it is defined in relation to a object of its protection. Generally, the size of the zone around the object of the protection is not set by an act in a fixed way because is is necessary to have a respect to particular circumstances of a respective area. Their increase is

an effect of technical progress and development therefore the beginning of this institute takes place in the second half of 20th century.

In my diploma thesis I dealt with the legal regime of lands, general nature protection, especially protected areas, Natura 2000, protected areas that are not regulated by Nature protection Act, protective zones and compensation for the limitation of property rights.

The disadvantage of the legal regulation of the legal regime of lands in the protected areas and protective zone is its fractionalism (it is not concentrated in one legal enactment). That is why duplication of the protection often happens and owners of respective areas can orientate themselves badly in particular limitations, which are designed for them.

Despite these problems both institutes are good instruments not only in environmental protection but also within the framework of other objects and knowledge from practice and technical progress help constantly to improve them.